



Local Development  
Organization  
منظمة التنمية المحلية

# The Legal System for the Governance of Civil Society Organizations in Syria



Preparation

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It is not possible to talk about a real civil society, especially associations and non-governmental organizations, without talking about the necessity of subjecting its structures and institutions to the rules of governance, which in reality are rules that help not only to fight corruption but also strengthen the commitment of members of NGOs and debtor organizations to the policies that its institutions pursue it on the one hand, but also makes them active observers of its resources on the other hand, and makes them feel that they are real owners on the third hand, that the most important thing in following the rules of good governance is that confidence in the performance of associations and non-governmental organizations increases steadily whenever it increases subject to the rules of good governance, and this leads to an increase in its resources. Associations and organizations depend in most of their resources on the gifts of donors. The higher the confidence index, the higher the value of gifts and grants, and the associations' activities increase and expand.

Governance is the set of procedures and policies that must be undertaken during the exercise of the responsibilities assigned to the decision-makers. Therefore, good governance does not care about what results from the implementation of these procedures and policies, even if it does not lead to good results, simply following these procedures and policies effectively and accurately makes the institution rationally governed and effective.

Through this report, we will deal with the main aspects of the governance of organizations in Syria before 2011 and in the opposition areas after them, and how they have evolved mainly dependent on the governorates of Daraa, rural Damascus and Aleppo, as they constitute distinct experiences as a result of the specific circumstances of each region and we will rely on previous studies and session reports centralization with former employees of local councils.

## Historical introduction

The history of the emergence of associations and civil society organizations in Syria dates back to the mid-nineteenth century at the hands of men of culture. The societies were known for the first time in 1874 through the Association of Ribat Al-mahabba, which is a scientific association. Then the societies began to increase, including:

The Historical Society - 1875 The Charitable Society for Establishing Schools and Promoting Knowledge - 1878 The Orphans of Quraish Society - 1880 The Arab Club - 1918 The Literary Women's Club - 1920 The Literary Association Society 1921 and the Women's Cultural Forum Association 1936 in secret and appeared in public in 1942 the Catholic Youth Club - the Cultural Association at the Medical Institute.

After independence, many clubs and associations emerged, including the Revelation Association - the Young Writers Association - the Syrian Writers Association - the Revelation of the Pen - the Association for Social Cultural Solidarity and many other clubs and societies except for the fact that this stage has witnessed important political, social and economic mobility, so many Political parties opened newspapers and magazines, and scouts, music, clubs, and theatrical groups formed, indicating a sophisticated and active civil society activity that spanned the period of the 1940s and 1950s.

The unions also started to appear. The Bar Association was one of the first unions established in Syria in 1912, the Physicians and Pharmacists Association in 1923 and the Engineers Association in 1950. This stage also saw the promulgation of the Law of Associations No. 47 in the year 1953 and according to this law the legal organization for the formation of associations and political parties began.

After unification with Egypt, most clubs, newspapers and magazines were closed and parties were dissolved, which was a setback reality of the reality of civil socie-

ty in Syria culminated in the repeal of Law 47 and the replacement of Associations Law No. 93 in 1958 in its place, which gives the state wide powers to grant association licenses and dissolve them by decision it is issued by the Minister of Social Affairs and Labor without there being any mechanisms for appeal or objection before the court.

Then came the coup of Al-Baath Party and its assumption of power in 1963, when civil society suffered a setback great during the rule of the Baath, as the law continued in 1958 and was slightly modified the year 1969 increased the authority and powers of the state to license and revoke the licensing of associations, and increased from the problem is the continuation of the state of emergency with which all civil laws have failed due to its failure and its problems.

After Hafez al-Assad's coup in power in the country in 1971, he launched a new stage under the name The Corrective Movement was one of its most important headlines forming a national front in which most of the political parties with nationalist and left-wing orientation and the rest parties were excluded, as well as making Al- Baath Party a leader for the state and society in the 1973 constitution and by making Al-Baath Party a leader of the state and society dominated civil and political activity in society, and from organizations Founded during his reign, the organizations of Al-Baath Party, the Revolutionary Youth, the Women's Union and the Workers 'Union that the party dominated and made its goals achieve its goals and it is the only one permitted to work on women's, youth and workers' issues in addition to the National Union of Students that organizes life Social and political for university students, whose rules of procedure have been modified to become related to the Arab Socialist Al-Baath Party.

Al- Baath also worked to include the phrase (a counterpart organization for Al-Baath Party or define its goals to achieve the goals of the Party) on unions and associations, and the reality of the media was not in the best condition as the

party worked on monopolizing the media and using the term targeted media that serves its goals and strengthens its control over society, thus making The media is limited to what the Ministry of Information issues from newspapers and to channels and radio stations affiliated to the Public Authority for Radio and Television and the prevention of private media is permissible except for the newspapers of parties allied with the Baath in the front and whose newspapers were issued internally, i.e. within these parties and their cadres and in this new reality that how strongly the emergency law and martial law and security force and oppression decline the role of civil organizations and civil institutions.

Then after Bashar al-Assad inherited the presidency in Syria in 2000, Assad promised the son in his swearing speech with political and administrative reform, among the promises is the promulgation of a law for parties regulating political action in the country, amending the association law or issuing a new modern law and issuing a modern law that accompanies global variables of private media organization. The recommendations and promises of the Law on Parties and the Law of Associations remained a dead letter, but this stage witnessed a significant and important political, social and civil movement without being translated and organized legally, and forums, political societies, civil society societies, organizations for the defense of human rights, women and children, environmental associations and anti-poverty organizations have spread.

The number of registered societies since 1959 until the end of 2010 is 1240 societies and compared to the case of other Arab regimes, such as Tunisia 9600 associations, and in Egypt about 21000 associations, in Syria, the equivalent of 52 societies per million citizens and all of them were distinguished by the lack of their members, which ranged between 15 and 100 members.

In 2005, the Syrian government began the process of reviewing Law No. 93 and its implementing regulations. The Ministry of Social Affairs and Labor organized a workshop in February 2005 in cooperation with the European Union to discuss how to develop civil society in Syria, and after that in the same year the Syrian Commission for Family Affairs - a body formed in 2003 by presidential decree - organized a workshop in which about 30 people from various Syrian NGOs participated, The European Union, the British Council, and the Swedish embassy to study the law on associations in effect. The participants reached several results:

1. The government needs to issue a new law, as it is not sufficient to amend Law No. 93 under which it is being implemented. As one participant noted, it will not be sufficient to amend a legal text that is approximately 50 years old and that it was formulated in a context and reality that are completely different from the challenges and opportunities that Syria faces at the present time.
2. The Ministry of Social Affairs and Labor must respect Article 10 of Law No. 93, which (as mentioned above) states that if the competent administrative authority does not conduct the declaration within 60 days, the declaration is deemed a reality under the law. Participants indicated that this does not happen in practice.
3. The government should remove the various obstacles that associations face in the declaration process.
4. Associations should be allowed to establish relationships with other associations working in fields related to their field of work at the local, national and international levels.
5. The restrictions imposed on financing should be relaxed and associations should be allowed to raise funds and receive national and international support.
6. A new administrative authority must be appointed with the aim of promoting the development of civil society in Syria.

## Organizations after the Syrian revolution

After the Syrian revolution in 2011 and the absence of the regime authority from the areas outside its control, civil action appeared to be active through individual and societal initiatives to meet human needs and associations and organizations began to appear significantly in the liberated areas and their forms and orientations varied from humanitarian to human rights, cultural, women and trade union and appeared some unions and networks with the absence of any organizational or supervisory role mentioned in the Syrian interior in addition to benefiting from the organizations and associations that were established in neighboring countries such as Turkey and Lebanon, which had a noticeable activity in the liberated areas.

### The legal framework for private associations and foundations in Syria:

1. Law 93 of 1958 on private societies and institutions regulates the establishment of any type of association or organization in Syria. It was adopted during the union between Egypt and Syria in the United Arab Republic 1958-1961, and was influenced a lot by socialist ideas, and the state had to control and direct society.
2. The executive regulations issued by Decree No. 1330 in 1958.
3. Legislative Decree No. 224 of 1969, in which the Syrian government amended some provisions of the Associations and Private Institutions Law, as it increased the state's control of associations. One of the main provisions added by Decree 224 allowed the government to "merge" associations that perform similar activities, and also presented the idea that there is no need for more than one association to perform the same activity.

Therefore, the government has repeatedly relied on this concept in its rejection of the declaration of new NGOs. One of the important provisions of this decree is to allow dissolution of associations without recourse to the judiciary.

4. The contract system for associations and private institutions issued in Resolution



2435 of 6/8/1977 which includes the system of contracts and purchases in associations for private institutions, as the second article of it stipulated that the expenses resulting from the implementation of works and services and the purchase of materials and all the needs belonging to the association be held in one of the following ways: (1) Purchase Direct 2- Tender 3- Request for quotations 4- Contract by mutual agreement 5- Competition 6- Execution by Secretariat).

**And after the Syrian revolution in 2011**, some initiatives emerged by Aleppo Governorate Council to develop regulations for civil society organizations licensed by the Free Aleppo Governorate Council, which is the regulation governing the licensing and work of charitable societies and civil institutions that were approved by the Free Aleppo Governorate Council at the beginning of the first session of the council while the matter in Daraa Governorate was limited to instructions issued by the executive office for the conditions for registering organizations and associations, Rural Damascus Governorate Council issued a circular on registering civil society organizations from a single page in which it defined the organizations and specified the registration procedures and required documents and specified the duration of the study for 30 days, and considered that the registration becomes legal in the event the decision is not issued by the provincial council.

By the end of 2014, the Syrian interim government also worked in partnership with some civil society organizations to form what is called the (Union of Syrian Civil Society Organizations), which is a temporary joint body working to organize the registration of Syrian civil society organizations in the interim Syrian government and to set the controls for this process, which is an independent body Its board of directors consists of seven members, four from civil society organizations elected from the general assembly and three appointed members from the ministries of the Syrian Interim Government and issued an internal guiding system for associations and organizations to register through the governorate councils.

## Types of civil society organizations organized by the Law on Associations and Private Foundations

### 1. Associations:

The law defined it in Article 1 of it for each group with continuous organization for a specific or non-specific period consisting of natural or legal persons for a purpose other than obtaining material profit. The law stipulated that each association should have a written system signed by the founders, and that it should not be co-founded or joined by any of the persons deprived of the exercise of political rights. The association consists of the following structure:

#### i. General Authority:

The general authority consists of all the working members who have fulfilled their obligations imposed on them in accordance with the association's system and spent at least one year on their membership. The members of the Student Association in educational institutes are excluded from the year condition. However, the decisions of the General Authority are not valid unless they are issued in the matters outlined in the agenda, which must be attached to the announcement of the invitation. The decisions of the General Authority shall be taken by the relative majority of the members present, unless the text of the association's provision contradicts this provision. Decisions shall be issued to an absolute majority of the members of the association regarding the amendment of the system and by a majority of two-thirds of the members of the association regarding the report of dissolving the association or by introducing an amendment to its system related to the purpose of the association or the removal of members of the board of directors as well as with regard to the association of the association with others or its incorporation into it and this is not provided in the system majority more.

## ii. Board of Directors:

The association is managed by a board of directors elected by the general assembly from among its members. The association's system defines the council's jurisdiction, its duration, procedures for electing its members, and how their membership ends. The Board of Directors shall assume responsibility for the affairs of the Association and may, for that purpose, carry out any of the works other than those for which the Assembly's system stipulates the necessity of approval by the General Assembly before it is conducted. The Board of Directors shall convene at least once every two months to consider the affairs of the Association. The Board of Directors may appoint a director from among its members or without its members to authorize it to dispose of any of the affairs within its competence.

## 2. Charities:

A charity is considered by any association formed to achieve one or more of the purposes of righteousness or social welfare limited to its members or not limited to them.

## 3. Cultural Associations:

A cultural association is considered an association whose purpose is to promote science, arts, or literature. The board of directors of the cultural association shall provide the competent administrative authority with an annual report on its activities as well as the documents and data stipulated for other associations. In the election of the club's boards of directors whose members are citizens of the Syrian Arab Republic and foreigners, it must be taken into account that the proportion of the number of members who hold the nationality of the Syrian Arab Republic in the boards of directors is at least identical to their proportion to the total of the members who are participating.

#### **4. Private institutions:**

The institution is established by allocating money for an unspecified period for a work of a human, religious, scientific, or artistic character, or for any other act of righteousness, social welfare, or public benefit without intending to materially profit. And the establishment of the institution shall be with an official bond or a will. A bond or will is considered a constitution for the institution, and when the establishment of the institution is with an official bond, the person who established it may change it with another official bond until it is completed. And the corporate personality of the institution is not proven unless its system is declared in accordance with the provisions of this law.

#### **5. Associations of public benefit:**

An association of public benefit shall be considered for every association intended to achieve a public interest (a decision shall be issued by the President of the Republic as such), and a decision of the President of the Republic may also withdraw the character of the public benefit from the association. The public benefit association is excluded from the eligibility restrictions related to owning property and real estate. And shall be determined by a decision of the President of the Republic that the association of public benefit enjoys from the powers of the public authority, such as the inadmissibility of seizure of all or some of its funds, as well as the inadmissibility of possession of these funds with them over the period and that the competent administrative authority may expropriate property for the public benefit.

#### **6. Union of Associations:**

And it is not permissible for any association to call itself (A Union) unless it is formed by a number of associations that unite or decide to unify it according to the provisions of the law. The establishment and the declaration of the union are subject to the provisions applicable to the societies stipulated in these regulations.

## The task of the unions is to:

- a. Supervising, guiding and directing the common interests of the associations affiliated with the Union in order to achieve their common goals.
- b. Coordinate the efforts of the associations to which they belong and work to improve the level of their services and create new societies in the regions that need these societies.
- c. Set general policies for the joint services of the constituent societies.
- d. Providing technical, financial and cultural assistance, according to its capabilities, to the societies.
- e. Resolving the dispute arising between the societies.
- f. Consult the documents of the associations to submit a report to the General Authority.
- g. Unions should be the liaison between the affiliated societies and government agencies in relation to public policy and financing.
- h. Associations are obligated to the directives of the federations and the general policy that they set and the associations contribute according to their capabilities in the joint projects that the federation decides to undertake to achieve the joint goals.

## Declaration of associations

In the case of a number of citizens applying for the declaration of any association, the required forms shall be submitted to the Ministry of Social Affairs and Labor and subject to the official and security examination. According to the law, the legal personality of the association is not proven unless the Ministry of Social Affairs and Labor publishes its system in the Official Gazette and the executive regulations detail the requirements of the declaration. The Ministry of Social Affairs and Labor is studying the association's papers "It studies the internal system legally and in terms of the importance of the association's goals and the region's needs for its services" and sends the papers to the various security

agencies in order to conduct an investigation on the founders of the organization and the Ministry of Social Affairs and Labor conducts the declaration within sixty days from the date of its request. If the period of sixty days has passed without the day of its completion, the declaration shall be deemed a fact, and upon the request of the concerned parties, it shall be recorded in the register and publication in the Official Gazette, and the Ministry of Social Affairs and Labor should seek "the opinion of the Ministry of Interior and the opinion of interests and not Official bodies that see relevance to the association's goals" before issuance of the declaration decision, and the Ministry of Social Affairs and Labor have wide freedom to reject a declaration request, including if they consider that the purpose of the institution is not the "most in need of care". However, the Ministry of Social Affairs and Labor must explain the reasons for its decision in writing. Groups that the Ministry of Social Affairs and Labor refuses to deny their declaration have the right to file a grievance to review the rejection decision. If the grievance is rejected, the group can ask the Administrative Court (State Council) to review the decision of the Ministry of Social Affairs and Labor.

In practice, the Ministry of Social Affairs and Labor sends requests to the security services, where it is undergoing a process of close monitoring that includes close examination, investigation and investigation of the founding members, the participation of the practical security agencies has prevented all human rights groups in Syria that sought for the declaration from being declared.

After the formation of the provincial councils in the liberated areas, it became the role of the councils to register the associations and organizations after completing their required identification papers and to collect the required fees without security or official scrutiny. Daraa Governorate has registered more than a hundred local societies and organizations, while Damascus Countryside Governorate Council in Eastern Ghouta has registered more than fifty local societies and organizations,

and in Aleppo Governorate Council, a request for publicity (licensing) is submitted through a commissioner for the founders whose number is not less than seven Members.

The conditions were: the existence of an internal system for the association that is in conformity with the regulations governing the work of associations and the most important conditions of the internal system are that the association or organization is non-profit or voluntary work not for profit and that the members of the board of directors work without pay as well as from the conditions there is a headquarters to be disclosed by the legal department That granted the license and from the beginning to the middle of 2016, the license was without fees and after that the license became for a fee of \$50 for an association license, \$200 for organizations and institutions based in Syria, and \$ 500 for organizations based outside Syria with a branch in Syria. The number of associations and organizations registered with the Free Aleppo Governorate Council until the end of 2018 was about 400 societies and organizations.

## Oversight of associations

Law No. 93 and its executive regulations provide many and many forms for government and security agencies to interfere in the internal management and day-to-day operations of associations, and meetings are also subject to close supervision. For example:

1. Associations must inform the Ministry of Social Affairs and Labor of any general meeting of the members of the association 15 days before the date of its establishment and also inform it of the minutes of the meeting. The Ministry of Social Affairs and Labor is supposed to send one of its employees to attend any meeting, just as the societies are supposed to send copies of the minutes of the meetings to the Ministry of Social Affairs and Labor within fifteen days from the date of the meeting.

2. In terms of practice, a representative of the security services attends the meetings of the General Authority, and how often the boards of directors of societies review the representatives of the security services on a regular basis.

3. Also, the Ministry of Social Affairs and Labor may designate by a decision of one or more members of the board of directors of any association at any time and determine its powers and compensation in the appointment decision.

4. It is also entitled to specify, by a decision, the minimum and maximum limits for the number of members of the Board of Directors.

5. The Ministry of Social Affairs and Labor has the right to incorporate similar associations into goals if it finds it necessary

6. The Ministry of Social Affairs and Labor may also dissolve associations. Among the reasons that can be invoked to dissolve any association is the practice of sectarian, racial or political activity that affects the integrity of the state, or if the Ministry considers that the association's services are not needed and in principle the decision to dissolve must be based on official investigations It is conducted by the relevant departments of the Ministry of Social Affairs and Labor, but in practice the investigation is not completed and the decision to dissolve the association is final and does not accept any method of review.

For example, in January 2007, the Ministry of Social Affairs and Labor issued a decision to dissolve the "Social Initiative Association, whose activities focused on women's issues only.

In the liberated areas, there was no official oversight on the work of local associations and organizations, but in some cases a memorandum of understanding was signed with them to coordinate and exchange information and define needs. In Daraa Governorate Council, the governorate council was informed of the various activities of associations and organizations in general without actual supervision as well The matter in Rural Damascus governorate council and in Aleppo governorate council



was oversight carried out periodically through some visits to some of the associations and access to their activities, and also when the license is renewed (every year) the report submitted to us on the association's work and the financial report of the association and organizations are checked.

## Relations with the outside world and funding


Law No. 93 strictly regulates the links between associations and the outside world. The law does not allow any association to join any organization outside Syria or participate with it before informing the Ministry of Social Affairs and Labor and the expiration of 30 days without objection from the ministry and the Ministry of Social Affairs and Labor to prevent the funding of the association. It is not permissible for any association to receive or obtain funds or sums from any person or association outside Syria without permission from the Ministry of Social Affairs and Labor. As for obtaining funding from inside Syria, the association must also inform the Ministry of Social Affairs and Labor before approval and in practice the associations are nominated from Before the Ministry of Social Affairs comes to the Ministry of Foreign Affairs after studying it by the security authorities, the Ministry of Foreign Affairs addresses the donor agencies list of associations permitted to deal with in Syria and under the supervision of the Ministry of Social Affairs.

As for the liberated areas, the relationship of associations and organizations took place directly with international organizations or organizations located in neighboring countries, and sometimes some international organizations or organizations in neighboring countries required a memorandum of understanding with the local council to implement its projects.



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